

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, DECEMBER 8, 2005**

UNAPPROVED
JANUARY 11, 2006

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Vice Chairman Byers announced that tonight was the final Planning Commission meeting of this year. He thanked the Commission and staff for their work throughout the year and wished everyone a happy holiday season.

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Commissioner Wilson announced that the Department of Public Works and Environmental Services would hold a public information work session regarding the pending Public Facilities Manual and Zoning Ordinance Amendments concerning natural drainage divides, adequate outfall, and notification requirements on Thursday, December 15, 2005 at 7:00 p.m. in Room 232 of the Fairfax County Government Center.

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Commissioner Harsel MOVED THAT THE PUBLIC HEARING ON 2232-B05-23, NEW CINGULAR WIRELESS, ANNANDALE HIGH SCHOOL, BE DEFERRED TO JANUARY 26, 2006.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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Commissioner Lawrence MOVED THAT THE PUBLIC HEARING ON SE 2005-PR-009, SUNRISE ASSISTED LIVING PARTNERSHIP, BE DEFERRED TO JANUARY 26, 2006.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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FS-V05-35 – VERIZON WIRELESS, 5845 Richmond Highway

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION CONTAINED IN FS-V05-35 FOR VERIZON WIRELESS.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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456A-Y96-18-2 – VERIZON WIRELESS, 7400 Ordway Road

Commissioner Koch MOVED THAT WE CONCUR WITH THE DETERMINATION THAT THE MODIFICATIONS PROPOSED BY VERIZON WIRELESS FOR THE EXISTING TELECOMMUNICATION FACILITY LOCATED AT 7400 ORDWAY ROAD, BULL RUN REGIONAL PARK, ARE IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVAL AS GRANTED BY THE PLANNING COMMISSION UNDER 456-Y96-18 ON FEBRUARY 26, 1977, AND 456A-Y96-18-1 ON APRIL 26, 2001, AND BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioners de la Fe and Lusk seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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SEA 78-V-115 - JOHN B. LOGRANDE

VC 2005-MV-006 - JOHN B. LOGRANDE (Decision Only)

(The public hearing on this application was held on November 9, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 78-V-115, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED DECEMBER 7, 2005, WITH CONDITION 17 CHANGED TO READ "THE SIZE OF THE GARAGE SHALL NOT EXCEED 726 SQUARE FEET OF GROSS FLOOR AREA" AND WITH CONDITION 16 DELETED.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

Commissioner Byers MOVED FOR THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF ZONING APPEALS THAT IT APPROVE VC 2005-MV-006, A REQUEST FOR A VARIANCE TO PERMIT A DWELLING TO REMAIN LESS THAN 18 INCHES ABOVE THE 100-YEAR FLOOD PLAIN LEVEL.

Commissioner Alcorn seconded the motion which carried by a vote of 9-0-1 with Commissioner Hart abstaining; Commissioners Hall and Murphy absent from the meeting.

Commissioner Hart, as a follow-up, MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT STAFF TO EVALUATE AND MAKE APPROPRIATE RECOMMENDATIONS REGARDING ESTABLISHMENT OF A VERIFICATION PROCEDURE FOR CASES IN WHICH HOMES ARE CONSTRUCTED PURSUANT TO A SPECIAL EXCEPTION FOR THE COUNTY TO VERIFY COMPLIANCE WITH DEVELOPMENT CONDITIONS PRIOR TO ISSUANCE OF A RESIDENTIAL USE PERMIT RATHER THAN RELYING ON THE BUILDER TO COMPLY ON THE HONOR SYSTEM.

Commissioners Hopkins and Lawrence seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT STAFF TO PREPARE AND MAKE APPROPRIATE RECOMMENDATIONS REGARDING AN AMENDMENT TO THE ZONING ORDINANCE WHICH WOULD ALLOW INNOCENT HOMEOWNERS, SUCH AS THE LOGRANDES, TO VALIDATE ANY PERCEIVED PROBLEM WITH AN EXISTING STRUCTURE, EITHER TO ALLOW EXPANSION OF CATEGORIES OF APPLICATIONS, OR SPECIAL PERMIT FOR ERROR IN BUILDING LOCATION TO ALLOW CONSIDERATION OF VERTICAL ERRORS ABOVE A FLOOD PLAIN, OR TO ALLOW THE BOARD OF SUPERVISORS TO MODIFY THE HEIGHT ABOVE A FLOOD PLAIN

FOR A STRUCTURE IN CONJUNCTION WITH A SPECIAL EXCEPTION, OR SUCH OTHER AMENDMENT AS MAY BE APPROPRIATE.

Commissioners Hopkins and Lawrence seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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2232-D04-15 - WASHINGTON D.C. SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS (Decision Only)

(The public hearing on this application was held on November 17, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hopkins MOVED THE PLANNING COMMISSION FIND APPLICATION 2232-D04-15, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners de la Fe and Hart seconded the motion which carried unanimously with Commissioners Hall and Murphy absent from the meeting.

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RZ 2005-LE-022 - RESIDENCE INN BY MARRIOTT, INC.

FDP 2005-LE-022 - RESIDENCE INN BY MARRIOTT, INC. (Decision Only)

(The public hearing on this application was held on December 7, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2005-LE-022, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 6, 2005.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2005-LE-022, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2005-LE-022, SUBJECT TO DEVELOPMENT CONDITIONS WHICH ARE NOW DATED DECEMBER 8, 2005 AND TO ADD THE INCLUSION OF A NUMBER 6 WHICH WOULD STATE "TWELVE MONTHS AFTER THE ISSUANCE OF THE NON-RESIDENTIAL USE PERMIT, THE APPLICANT SHALL CONDUCT A REVIEW OF THE \$25 PER MONTH STIPEND PROGRAM WITH THE LEE DISTRICT PLANNING COMMISSIONER. IF THIS PROGRAM IS NOT OPERATING TO ENCOURAGE THE USE OF MASS TRANSIT, THE RESOURCES CAN BE REDIRECTED FOR OTHER TDM MEASURES."

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE COUNTYWIDE TRAILS PLAN.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A 25 PERCENT PARKING REDUCTION.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF A 20 FOOT MINIMUM FRONT YARD REQUIREMENT ALONG BACKLICK ROAD, OLD KEENE MILL ROAD, AND AMHERST AVENUE.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE 25 FOOT MINIMUM REAR YARD REQUIREMENT ALONG THE NORTHERN BOUNDARY OF THE SUBJECT SITE.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT ALONG THE NORTHERN BOUNDARY OF THE SUBJECT SITE.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS RECOMMEND TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, APPROVAL OF A WAIVER OF THE INTERPARCEL ACCESS REQUIREMENT TO THE NORTH AND MODIFICATION OF THE OFF-STREET LOADING SPACE REQUIREMENT.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioner Byers not present for the vote; Commissioners Hall and Murphy absent from the meeting.

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456A-D89-27-1 - FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, 9501 Leesburg Pike

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION FIND 456A-D89-27-1 A "FEATURE SHOWN" OF THE COMPREHENSIVE PLAN, PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Lusk not present for the vote; Commissioners Hall and Murphy absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. PCA 78-D-060 - BOARD OF SUPERVISORS OF FAIRFAX COUNTY
2. PUBLIC FACILITIES MANUAL & ZONING ORDINANCE AMENDMENTS (NATURAL DRAINAGE DIVIDES, ADEQUATE OUTFALL, AND NOTIFICATION REQUIREMENTS)

This order was accepted without objection.

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PCA 78-D-060 - BOARD OF SUPERVISORS OF FAIRFAX COUNTY -
Appl. to amend the proffers for RZ 78-D-060 previously approved for residential development to permit a fire station with a Floor Area Ratio (FAR) of 0.05 on 6.46 ac. of land and residential development at a density of

1.94 dwelling units per acre (du/ac) on 5.7 ac. of land. Located in the S.E. quadrant of the intersection of Beulah Rd. and Leesburg Pi. on approx. 12.17 ac. of land zoned R-2. Comp. Plan Rec: public use. Tax Map 19-3 ((1)) 20. DRANESVILLE DISTRICT. PUBLIC HEARING.

Carey Needham, Department of Public Works and Environmental Services (DPWES), reaffirmed the affidavit dated October 14, 2005. There were no disclosures by Commission members.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Needham said the Wolftap Fire and Rescue Station project had been approved in a 1989 Public Safety Bond Referendum and was included in the approved Capital Improvement Program. He added that the Comprehensive Plan identified a fire station to be located on the subject property with a minimum size of 14,000 square feet. Mr. Needham said that DPWES staff had met with members of the surrounding community, Dranesville District Supervisor Joan DuBois' office, and local developers, and had revised the design to address their concerns. He stated that the revisions to the site layout and the building design would make the project compatible with the surrounding community. Mr. Needham said that a pedestrian sidewalk along Beulah Road, an asphalt trail along Route 7, and stormwater management and best management practice facilities would be provided which included low impact development rain gardens. He added that the project had been designed in accordance with the "green building program" making it the third fire station in the County designed under that program.

Vice Chairman Byers called for speakers from the audience and recited the rules for public testimony before the Commission.

Jody Bennett, 1459 Hunter View Farms, Vienna, questioned what would be done with the land adjacent to the fire station. Mr. Braham said the area to the east of the proposed building, shown as open space, would be undisturbed. He added that the residential development shown on the plan had been previously approved.

There being no more speakers, Vice Chairman Byers called for a rebuttal statement from Mr. Needham, who declined. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Hopkins for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT PCA 78-D-060 BE APPROVED, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS DATED DECEMBER 7, 2005.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Lusk not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION FURTHER RECOMMEND THAT THE TRANSITIONAL SCREENING YARD REQUIREMENT FOR THE FIRE STATION BE MODIFIED ALONG THE NORTHERN, SOUTHERN, AND WESTERN BOUNDARIES, AND THAT THE BARRIER REQUIREMENT FOR THE FIRE STATION BE WAIVED IN FAVOR OF THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN AND REFERENCED IN THE PROFFERS.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Lusk not present for the vote; Commissioners Hall and Murphy absent from the meeting.

Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS WAIVE THE REQUIREMENT FOR A SERVICE DRIVE ON LEESBURG PIKE.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Lusk not present for the vote; Commissioners Hall and Murphy absent from the meeting.

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PUBLIC FACILITIES MANUAL & ZONING ORDINANCE AMENDMENTS
(NATURAL DRAINAGE DIVIDES, ADEQUATE OUTFALL, AND
NOTIFICATION REQUIREMENTS - The proposed amendments addresses issues related to natural drainage divides, stormwater outfall, and expanded public notification requirements. Pursuant to the authority granted by *Virginia Code* Section 15.2-2241 and 10.1-562, the amendments revise Chapter 6 of the Public Facilities Manual (PFM) and Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code). The drainage divides amendment revises Sect. 6-0202 of the PFM. The proposed amendment allows the Director of the Department of Public Works and Environmental Services to approve a diversion of surface drainage in certain instances subject to the engineering requirements set forth in the amendment that require no adverse impact on adjacent or downstream properties. Two options are proposed. One option would not permit a diversion across a Watershed boundary depicted on the County Map of Watersheds. The other option would permit a diversion across a Watershed boundary depicted on the County Map of Watersheds under certain circumstances. The stormwater outfall amendment revises Chapter 6 of the PFM regarding stormwater outfall requirements, including clarification of the required extent of downstream review and the addition of options that require demonstration of no adverse impact with an incremental improvement of an outfall. The expanded public notification amendments address issues related to notification requirements for

subdivision plats, plans, and site plans. The proposed amendments to the Subdivision Ordinance increase the number and extent of adjoining property owners required to be notified, add a requirement for notification of civic associations, require additional descriptive information and a reduction of the plan for the proposed development be included in notices, and change the timing of notification of adjoining property owners for proposed subdivisions subject to a proffered generalized development plan, proffered or approved final development plan, or approved special exception plat for a cluster subdivision or waiver of minimum lot size by requiring that notification of adjoining property owners be provided with the subdivision construction plan instead of the final plat. The proposed amendments to the Zoning Ordinance increase the number and extent of adjoining property owners required to be notified, add a requirement for notification of civic associations, and require additional descriptive information and a reduction of the plan for the proposed development be included in notices. Copies of the full text of the aforementioned proposed amendments and staff report are on file and may be inspected at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035. For the convenience of the public, copies of the full text will also be available for inspection at the County's Regional and Community Public Libraries. COUNTYWIDE. PUBLIC HEARING.

Judith Cronauer, Code Analysis Division, Department of Public Works and Environmental Services (DPWES), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the amendments.

Commissioner Wilson announced that at the conclusion of tonight's public hearing she would be deferring a decision on the proposed amendments until January 12, 2006 to allow time for interested parties to review and submit written comments. She also noted that on December 15, 2005 DPWES would hold a public information workshop on the amendments at which time editorial changes to the amendments would be available for review.

Michelle Brickner, DPWES, responding to a question from Commissioner Byers, said the proposed amendments would allow the Director of DPWES to approve a diversion of surface drainage, subject to certain criteria. She added that within major watersheds two options were being proposed; one which would not allow a divide to be crossed and the second which would permit a diversion under specific circumstances.

Commissioner Hart expressed concern about proceeding with the public hearing at this time because everyone may not have had sufficient time to review and develop a position on the amendments and suggested that the public hearing be continued to allow for further review.

Commissioner Harsel commented that the public hearing had been previously deferred 17 times.

Commissioner Alcorn recommended that the public hearing be continued after everyone had had an opportunity to testify tonight and that a determination be made about whether those same individuals would be allowed to speak again. Commissioner Wilson suggested that tonight's speakers be given an opportunity to testify again if they had something new to add.

Commissioner Hart asked that staff obtain confirmation from the Office of the County Attorney that the chronology of the addenda and advertising was correct.

Commissioner de la Fe requested that the amendment regarding adequate outfall explicitly state that new development could not aggravate existing problems.

Vice Chairman Byers called the first listed speaker.

Teresa Champion, 8100 Backlash Court, Springfield, representing Middle Valley Civic Association, said the staff report on the amendments had not been readily available to citizens and notification to civic associations had been inadequate. She expressed concern that the proposed language about drainage divides would virtually guarantee that any plan filed would pass without regard to the impact on existing development. (A copy of her remarks is in the date file.)

Commissioner Wilson said the proposed amendments would clarify the language concerning drainage divides and watersheds. She added that if a natural drainage divide could not be honored, approval by the Director of DPWES would be required.

In response to a question from Commissioner Wilson, Ms. Brickner said there was currently no requirement to identify a drainage divide diversion on rezoning plans but that the zoning application submission process required an applicant to describe how adequate outfall would be addressed.

Commissioner Hart suggested that language be added to the proposed amendment stating that the Board of Supervisors was not obligated to condemn property for an easement at a developer's request. Commissioner Lawrence suggested that staff use the phrase "at the Board of Supervisors' discretion." Commissioner Hart suggested inserting the word "refuse" to show that if the Board of Supervisors refused a condemnation, a waiver would not be granted.

Mr. Friedman, responding to a question from Commissioner Hart, said that requesting a condemnation was an existing provision in the PFM but that staff did not recall if the Board of Supervisors had ever condemned a property for the purpose of acquiring a storm drainage easement. Commissioner Hart said that had happened before. Commissioner Wilson explained that she had faxed a list of prior condemnations to Mr. Friedman but he might not have received it prior to tonight's hearing.

Responding to a question from Commissioner Hart, Ms. Brickner said that staff would check to see if the condemnation process appeared elsewhere in the PFM.

Commissioner Wilson said that the County Attorney had advised her that there was a specific *Virginia State Code* provision that gave local government the ability to condemn property for stormwater drainage easements, as well as sanitary sewer easements.

Linda Hansen, 8815 Arlington Boulevard, Fairfax, stated more time was needed to fully review the proposed amendments. She noted that PFM regulations had been put into place to protect neighborhoods from serious runoff problems and requested that crossing a drainage divide not be allowed; that notification to all property owners impacted by a diversion be required; and the citizens' workshop on this issue be held after Christmas so everyone would have an opportunity to get their questions answered. Ms. Hansen referred to comments made by Commissioner Wilson on May 5, 2005 when she moved to reauthorize and readvertise the original proposed PFM amendment on drainage divides, stating that if the science to adequately analyze drainage diversions was not available, as stated in a letter from the Northern Virginia Building Industry Association (NVBIA), perhaps diversions should not be allowed in the future.

Commissioner Byers said that he was concerned about what was considered a major drainage divide and a major watershed.

In response to a question from Commissioner Alcorn, Ms. Hansen said that although the public hearing had been deferred numerous times, there were still many unanswered questions.

Commissioner Wilson said she was not convinced that NVBIA's statement was entirely correct. She added that the amendment was an effort to update the language to meet State requirements on adequate outfall. Commissioner Wilson noted that there had been 23 deferrals on the drainage divide amendment.

Mike Rolband, 14088 Sullyfield Circle, Chantilly, representing the National Association of Industrial and Office Properties, spoke in support of the proposed amendments but said that those who testified this evening should be allowed to speak at the continued public hearing since the Commission was planning to revise the proposal. He said that the required notification being proposed seemed excessive. Mr. Rolband said drainage divides should be technically dealt with by professional staff based on sound engineering practices. He noted he preferred option 1 of the proposed drainage divide amendment and expressed support for the adequate outfall amendment and said it represented a fair solution. He added that the issue could not be dealt with appropriately at a public hearing due to the technical aspects. He said that the proposed detention method would solve the problem of condemnation discussed earlier and would encourage low impact development.

In response to questions from Commissioner Byers, Mr. Rolband said option 1 dealt with the major divide system derived from a County-adopted map. He said the standard used by Fairfax County was that 70 acres be considered a minor divide and 360 acres a major divide and this language could be inserted into the PFM.

Commissioner Hart said that if Mr. Rolband had concerns with specific wording in the proposed amendments that had not been addressed, he should submit his observations to the Commission in writing during the deferral period.

Commissioner Lawrence pointed out that the size of major watersheds varied by zoning district and asked Mr. Rolband to address this issue if he spoke at the next public hearing.

A statement of Clay Cameron, 3243 Highland Street, Fairfax, representing the Pine Ridge Civic Association, was read by Fran Wallingford. His statement said that crossing a natural drainage divide should not be allowed. It also expressed concern about notification to affected property owners and said that giving the Director of DPWES the authority to grant waivers without a public hearing or an appeal process was not appropriate. Mr. Cameron requested that a public workshop on the amendments be held. (A copy of Mr. Cameron's statement is in the date file.)

Fran Wallingford, 3311 Mantua Drive, Fairfax, said all impacted property owners should be notified and a public hearing held when crossing a drainage divide was proposed. She cited a recent rezoning case in her area where it had come to light that County staff had been granting waivers to allow developers to cross natural drainage divides even though they had no authority to do so. She explained that notice to appropriate civic or homeowners associations through their registered agents, as proposed in the staff report, would not have given notice to her civic association in the cited case, even though those property owners would be affected. She also suggested that the County take responsibility for notification and technical experts be involved in the process as well as affected property owners.

In response to a question from Commissioner Byers, Ms. Wallingford said her association had hired engineers to produce a map depicting the major drainage divides within the watershed area in the vicinity of her development.

Commissioner Alcorn suggested that during the public hearing continuation period, Ms. Wallingford provide a copy of the map to the Commission with an explanation from the engineers who had prepared the map about the process used to determine major and minor drainage divides.

In response to a question from Commissioner Hart, Mr. Friedman said that staff would evaluate the possibility of posting a sign as means of additional notification. Ms. Wallingford said that might be beneficial in some situations but not all.

Frank Crandall, 900 Turkey Run Road, McLean, representing the Environmental Quality Advisory Council and the McLean Citizens Association Environment Committee, said the County was divided into approximately 30 watersheds of varying sizes and the boundaries between those were the major divides. He cited instances when it had been necessary to cross drainage divides to prevent further damage to the landscape; to better control these situations; and make greater use of low impact development techniques. He added that staff had done a thoughtful job in trying to deal with a difficult set of problems; however, since drainage divides and adequate outfall were interrelated, it was essential to deal with them at the same time and that more time for the public to study the proposal would be beneficial. He added that citizen input was essential and that notification was the appropriate way to involve affected residents.

In response to a question from Commissioner Alcorn, Mr. Crandall said that staff needed to rely on information from local residents since staff had limited time to evaluate every situation. Commissioners Alcorn and Lawrence requested that Mr. Crandall provide in writing more specific language that he would like to see inserted in the proposed amendment.

John Nicholas, 3123 Barbara Lane, Fairfax, said that any decision made on this matter would have permanent implications and that all parties affected by the outcome needed to be involved in drafting the amendment. He suggested that writing technical details to solve the problem of stormwater management was difficult since stormwater management was an inexact science.

Jody Bennett, 1459 Hunter Mill Road, Vienna, representing the Hunter Mill Defense League Environmental Committee, said that although she was a listed speaker, she would concede her time and use the continuation period to review the adequate outfall staff report. Ms. Bennett asked that she be allotted her designated time at the continuation of the public hearing. In response to a request from Commissioner Wilson, Ms. Bennett said she would forward her written remarks to the Commission.

Bill Zink, 9714 Barlow Road, Fairfax, representing the NVBIA, said that the NVBIA generally supported the proposed language. He added that drainage divides was not an exact science and that some leeway was necessary so that staff could evaluate each case individually. Mr. Zink said that NVBIA supported option number 1 in section 6-0202.3A of the proposed drainage divide PFM amendment. He said NVBIA had concerns relating to the proposed notification process because when a natural drainage divide was broken anyone downstream would be affected and therefore thousands might require notification. Mr. Zink said that a grandfathering provision should be added to the Ordinance.

In response to questions from Commissioner Wilson, Ms. Brickner said that if a grandfathering provision were not attached to the amendment, previously approved rezonings would be impacted. Ms. Brickner added that staff was considering adding specific grandfathering provisions before the proposal went to the Board of Supervisors.

Mr. Zink pointed out that although every situation that might arise could not be predicted, language concerning adequate outfall and drainage divides needed to be considered along with the PFM language for a comprehensive overview.

In response to a question from Commissioner Wilson, Mr. Zink said that NVBIA supported the provisions of the drainage divide amendment along with option 1, as it was currently written, but would need to reevaluate the amendment if further changes were proposed.

Commissioner Wilson said the proposed notification amendment would allow staff to become aware of drainage problems in a neighborhood which could then be addressed appropriately.

Mr. Zink suggested that community members notify the County if a drainage problem existed in their area.

Commissioner Wilson said that not all citizens would know to register a complaint with the County about a drainage problem, but that if a citizen received notification of a public hearing they would then be able to express concerns.

Responding to questions from Commissioner Hart, Mr. Zink said that NVBIA supported the language in the adequate outfall and the drainage divide sections, but had concerns with the public notice language. Commissioner Hart requested that Mr. Zink forward to the Commission suggested changes or alternative language for the public notice amendment. Mr. Zink noted that the cost of notification would have a direct impact on the affordability of housing.

Pete Rigby, 13705 Stonehunt Court, Clifton, said that he had worked on the Adequate Outfall Committee and supported the administrative review process for evaluating drainage divides proposed by staff and additional notification for waiver requests. Regarding the adequate outfall, Mr. Rigby said that erosion was a naturally occurring process and needed to be recognized as such when reviewing the language. He added that a number of issues had not been resolved in the outfall section.

Dennis Thomas, 4417 Ossian Hall Lane, Annandale, said he was a member of the Adequate Outfall Committee and was in favor of the outfall portion of the amendment.

Commissioner Alcorn clarified the procedure for the continuation of the public hearing. He explained that the speakers list for January 12th would indicate those who had spoken at tonight's public hearing and that Commissioner Wilson would recognize those who wanted to speak again. Commissioner Alcorn also encouraged all to attend the upcoming workshop.

Commissioner de la Fe suggested that Ms. Bennett not be listed as a speaker this evening and be allotted her full time at the continuation as the eleventh speaker.

PUBLIC FACILITIES MANUAL & ZONING
ORDINANCE AMENDMENTS

December 8, 2005

There were no further comments or questions from the Commission and staff had no closing comments; therefore, Vice Chairman Byers recognized Commissioner Wilson for a continuation motion. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING ON THE PUBLIC FACILITIES MANUAL AND ZONING ORDINANCE AND SUBDIVISION ORDINANCE AMENDMENTS ON NATURAL DRAINAGE DIVIDES, ADEQUATE OUTFALL, AND NOTIFICATION REQUIREMENTS UNTIL A DATE CERTAIN OF JANUARY 12, 2006, WITH THE RECORD TO REMAIN OPEN UNTIL THEN FOR WRITTEN COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Hopkins and Lusk not present for the vote; Commissioners Hall and Murphy absent from the meeting.

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The meeting was adjourned at 11:33 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission